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Fall 2013

## 2013-2014 Law School Bulletin

Notre Dame Law School

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UNIVERSITY OF  
NOTRE DAME

The Law School



2013-14

## **Academic Requirements**

### **Requirements for Graduation and Good Academic Standing for the J.D. Program**

Graduation Requirements To graduate from the Notre Dame Law School with the juris doctor degree, students must complete 90 hours of approved courses, must maintain a cumulative grade point average of 2.0 over six semesters, and must be in residence for six semesters. A semester in residence normally is not fewer than 14 credit hours.

Conferral of the degree is contingent upon successful completion of the prescribed program of instruction. The degree may not be conferred upon any student who has been found guilty of dishonest or dishonorable conduct.

### **Graduation Honors**

Cum Laude 3.400

Magna Cum Laude 3.600

Summa Cum Laude 3.800

The specific requirements for calculating graduation honors are described in the Hoynes Code, an administrative code that governs the Law School.

### **Grading and Academic Standing**

Grades are divided into letter categories with numerical values as follows:

A ..... 4.000 C+ ..... 2.333

A- ..... 3.667 C ..... 2.000

B+ ..... 3.333 C- ..... 1.667

B ..... 3.000 D ..... 1.000

B- ..... 2.667 F ..... 0.000

Individual grade point averages are calculated for use by the student and for internal use by the Law School in determining academic standing and honors. The minimum acceptable grade point average to maintain good academic standing varies with class level. The complete grading policy is distributed to each entering class. A student who fails to maintain the minimum acceptable grade point average will be ineligible to continue into the next semester.

There is no calculation or publication of “ranking” or “class standing.” The Law School does, however, publish the mean grade point average for each class level.

A student who fails a required course must repeat it and obtain a passing grade. This requirement may be relaxed by the faculty member responsible for the course only if

good cause is shown. A student who fails an elective course does not need to repeat the course; however, the student earns no credit toward graduation for any failed course.

### **Law School Grading Policy Summary**

Effective beginning in 2011-2012 Academic Year

Law student grades will be based on the following means and distributions:

1L Courses (except for 1L elective, which is graded as an upper-level course) Mean: 3.25 to 3.30

Distribution: A 8-14%; A- 15-25%; B+ 25-35%; B 25-35%; B- 7-13%; <C+ 0-10%

For Legal Writing (I & II) only, the mean requirement will apply but the distribution requirement will not apply.

Large Upper-Level Courses (> 25 students)

Mean: 3.25 to 3.35

Distribution: A 8-18%; A- 15-25%; B+ 20-35%; B 20-35%; B- 5-15%; <C+ 0-10%

Small Upper-Level Courses (10 to 24

students) Mean: 3.15 to 3.45

Distribution: none

### **Grade Reports**

The Office of the Registrar no longer mails a paper copy of grades unless a copy is requested. Grade information is available to students on insideND (inside.ND.edu). The Printed Grade Report Request form is available from the Office of the Registrar website.

### **Cocurricular Courses**

Some courses offered are identified as cocurricular. For a complete statement on the policies relevant to cocurricular course work, students should consult Section 4.4.2.2 of the Hoynes Code.

### **Course Requirements**

Generally, grades are based on a final examination alone. At the discretion of the faculty member responsible for a particular course, multiple examinations, a term paper, or term project may be required in lieu of or in addition to a final examination. To be eligible to take an examination in a particular class, students must attend classes regularly and punctually, and must participate in class to the satisfaction of the faculty member responsible for a particular course.

Examinations are not proctored, but rather, are written on the honor system. Under the Notre Dame Law School Honor Code, every student who enters the Law School is bound neither to give nor to receive unauthorized aid in any examination.

To ensure impartiality, written examinations are taken anonymously, identified only by an examination number, which is randomly generated and assigned prior to

examinations.

All examination papers and written assignments are read and graded personally by the member of the faculty responsible for a particular course.

### **Change of Regulations**

The Law School and the University reserve the right at any time to change any regulation pertaining to admission to, continued enrollment in, or graduation from the Law School. All law students are bound by University regulations contained in du Lac: A Guide to Student Life, published and distributed to all students each fall. Law students must also conform to additional regulations listed in the Hoynes Code.

7-1-2013

# Hoynes Code, The

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# THE --- HOYNES --- CODE

A COMPILATION OF FACULTY RESOLUTIONS  
AND ADMINISTRATIVE REGULATIONS  
GOVERNING NOTRE DAME LAW SCHOOL

REVISED JULY 1, 2013

NELL JESSUP NEWTON  
JOSEPH A. MATSON DEAN AND PROFESSOR OF LAW

NOTRE DAME LAW SCHOOL

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## ARTICLE I

### 1 INTRODUCTION

- 1.1 PURPOSE. This code governs legal education at the University of Notre Dame in all programs and in all locations.
- 1.2 AMENDMENTS. The code will be amended periodically by the dean to reflect actions of the body having authority over the particular subject matter.
- 1.3 EXCEPTIONS. Exceptions to the code may be granted by the body having authority to amend the section at issue. The general authority of the dean to grant exceptions is encompassed in the dean's responsibility for the administration, well-being and development of the Law School, its faculty, courses of study and other activities. (U.A.A., Art. II, sec. 5.)
- 1.4 COPIES. The original of this revision is retained in the Dean's Office. One copy is maintained in the reserve section of the Kresge Law Library; the Associate and Assistant Deans' Offices; the Office of the Director of Admissions; the Office of the Law School Registrar; and the Office of the Director of the London Law Centre. The Law School's web site shall also have a link to the text of the current revision.
- 1.5 SOURCES. Sources indicated at the end of each section or series of sections are abbreviated as follows:

A.A.L.S. – Association of American Law Schools, Bylaws or Executive Committee Regulations (2009)

A.B.A. – Standards for Approval of Law Schools, American Bar Association (2008-09)

A.C.M. – Minutes of Academic Council Meetings, University of Notre Dame

A.R. – Administrative Regulations promulgated by the dean of the Law School

F.M. – Law School Faculty Minutes

U.A.A. – University of Notre Dame Academic Articles

U.A.C. – University of Notre Dame Academic Code

S.B.A. – Resolutions and other official acts of the Notre Dame Law  
School Student Bar Association

- 1.6 CITATION. The Hoynes Code is named in honor of Colonel William James Hoynes, first dean of the Notre Dame Law School. It is referred to here as “the code,” and may be cited as “H.C.”
- 1.7 EDITION. The code as originally compiled was as of August 1, 1971. This compilation is as of July 1, 2013.

## ARTICLE II

### 2 ADMINISTRATION

- 2.1 THE NOTRE DAME LAW SCHOOL HONOR CODE. The Honor Code was adopted by the students and faculty. It is included in Appendix A. (F.M., March 20, 1995.)
- 2.2 STUDENT DISCIPLINE. The Law School faculty reserves its right to assert jurisdiction in the first instance in disciplinary cases involving law students. (F.M., March 20, 1972; A.R., June 25, 1974.)
- 2.3 STUDENT RECORDS. The records of students at the Law School, including grades, are confidential and are not open to anyone except the student and the faculty and staff for internal administrative purposes. (F.M., September 30, 1969.)
- 2.4 STUDENT EMPLOYMENT. Law students are discouraged from working during the first year because of the academic rigor of the required curriculum. Work is encouraged during the summer months and, if necessary, part-time during the second and third years of study. A student may not work in excess of 20 hours per week while attending law school on a full-time basis. (A.B.A. Standard 304(f).)
- 2.5 LAW SCHOOL CALENDAR. The Law School calendar shall be fixed by the Law School administration with the general guideline of the faculty that it conform to the University calendar as nearly as can be reasonably done to accommodate no fewer than 70 class days per semester. (F.M., March 23, 1981.)
- 2.6 STUDENT COMPLAINTS RELATING TO PROGRAM OF LEGAL EDUCATION.
  - 2.6.1 A student who wishes to bring to the attention of the Law School a significant problem that directly implicates the school's program of legal education and its compliance with the A.B.A. Standards should file a written complaint with the Associate Dean who oversees academic and student matters. The written complaint must include a sufficient description of the problem to permit the Associate dean to investigate the matter, the specific A.B.A. Standard at issue, and the student's name, mailing address, email address, and phone number.

- 2.6.2 Absent unusual circumstances, within twenty-one days after receiving the complaint described in section 2.6.1 the Associate dean shall advise the student in writing of the resolution of the complaint. The resolution communicated by the Associate dean shall be final.
- 2.6.3 The Associate dean, or designated delegate, shall maintain a record of complaints described in section 2.6.1, including the resolution of any such complaints, for eight years from the date of final resolution of the complaint.
- 2.6.4 This section 2.6 shall not apply to student complaints that are covered either by the Honor Code or by University of Notre Dame complaint procedures, including but not limited to complaints relating to discriminatory harassment or sexual harassment.

(A.B.A. Standard 512; F.M., September 21, 2011.)

### ARTICLE III

[Reserved. Details regarding faculty governance are set forth in the Faculty Governance Code.]

## ARTICLE IV

### 4 DEGREE REQUIREMENTS

#### 4.1 JURIS DOCTOR DEGREE. To earn a J.D. degree, students must:

4.1.1 Successfully complete a minimum of 90 credit hours, at least 70 of which must be earned in regularly scheduled classes taught in the law school. See also section 4.2. (F.M., March 3, 1977; April 29, 2009.)

4.1.2 Successfully complete all the requirements listed in section 4.3.

4.1.3 Engage in full-time law study for six semesters in residence, as described in section 4.5.

4.1.4 Achieve a minimum cumulative GPA of 2.000. See also section 4.6.

#### 4.2 CREDIT HOURS. Degree requirements for the Juris Doctor degree include the successful completion in residence of at least 84 weeks of instruction, consisting of at least 58,000 minutes of instructional time. (A.B.A. standards 304(a) and (b).)

#### 4.3 REQUIREMENTS

##### 4.3.1 The following courses are required in the first year:

Civil Procedure (4 hours)

Constitutional Law (4 hours)

Contracts (4 hours)

Criminal Law (4 hours)

Legal Research (1 hour)

Legal Writing (4 hours for students who enter prior to the fall of 2010; 3 hours for students who enter in the fall of 2010 and thereafter)

Property (4 hours)

Torts (4 hours)

In addition, students who enter in the fall of 2010 and thereafter must take one 3-hour elective course during the second semester of the first year. The appropriate associate dean, after consultation with faculty teaching electives, shall publish a list of electives from which first-year

students may choose. A student's grade in the first-year elective course shall not count toward eligibility for journal membership.

In addition, students who enter prior to the fall of 2010 must take a 1-hour Ethics course during the first year.

(F.M., March 5, 1971; July 1, 1976; June 30, 1983; May 4, 1999, March 4, 2006; April 21, 2010.)

4.3.2 In addition to first-year courses, students must successfully complete the courses listed below prior to graduation:

One or more courses totaling at least 3 hours that provide  
substantial instruction in legal ethics

Jurisprudence (3 hours)

An upper-level skills course

Upper-Level Writing Requirement (*see* section 4.3.3). Students  
must complete this requirement before enrolling in their  
final semester.

Before the start of registration for any semester, the appropriate  
associate dean shall publish a list that identifies all of the courses  
that will be offered during that semester that will satisfy the legal  
ethics requirement and the upper-level skills course  
requirement.

Students who enter prior to the fall of 2010 must also successfully  
complete the following courses prior to graduation:

Business Associations (4 hours)

Federal Taxation (4 hours)

One of the following ethics courses (in lieu of the 3-hour legal  
ethics requirement listed above):

Ethics II;

Legal Aid I and Ethics;

Legal Externship Ethics

Professional Responsibility

Students who enter prior to the fall of 2007 are not subject to the  
Upper-Level Skills Requirement.



(A.R., June 30, 1983; F.M., April 18, 1994; May 4, 1999; March 25, 2003; April 27, 2005; May 2, 2007; April 21, 2010; May 5, 2010; October 26, 2011.)

- 4.3.3 In order to satisfy the Upper-Level Writing Requirement (*see* Section 4.3.2), a student must complete a substantial research paper that is begun after the first year. Ordinarily a paper of that sort will contain at least 10,000 words (including text and footnotes), but in exceptional circumstances a shorter paper could suffice. This Requirement is designed to increase the student's proficiency in legal research, analytic reasoning, and writing in a single field of concentration. Accordingly, the research paper should be well-researched with all sources cited accurately and properly (in "Blue Book" or similar form), and should make appropriate and critical use of primary and secondary sources. (Briefs, including briefs produced in a course of a student's participation in Moot Court, do not satisfy this Requirement.) The paper must be completed for curricular credit, co-curricular credit, or in the context of a student's involvement with the NOTRE DAME LAW REVIEW, the JOURNAL OF LEGISLATION, the NOTRE DAME JOURNAL OF LAW, ETHICS & PUBLIC POLICY, the JOURNAL OF COLLEGE AND UNIVERSITY LAW, or the NOTRE DAME JOURNAL OF INTERNATIONAL & COMPARATIVE LAW; on a graded or ungraded basis; in conjunction with a course, or as a Directed Reading. A student must submit the paper by the end of the first semester of the third year. In the semester in which a student writes the paper, a student must submit to the Registrar a form signed by a faculty member, who is to advise the student in preparing the paper and to determine whether the paper satisfies this Requirement. A student must submit the form no later than the end of the add-drop period. Only a member of the teaching-and-research faculty, the clinical faculty, or the legal-writing faculty may determine whether the paper satisfies this Requirement, unless the Associate Dean for Academic Affairs approves a student's request to permit another faculty member to advise the student and determine whether the paper satisfies this Requirement.

(F.M., March 25, 2003; October 26, 2011; F.M., May 16, 2012.)

#### 4.4 ELECTIVE COURSES

- 4.4.1 Electives Defined. All second- and third-year courses not listed in section 4.3.2 are elective.

4.4.2 Academic Credit. Academic credit is awarded for both curricular and cocurricular coursework.

4.4.2.1 Curricular Academic Credit will be granted to elective courses based on the following guidelines: (1) significant classroom component (normally consisting of 14 classroom hours per hour of academic credit) or significant individual sessions, with substantive content; and (2) student evaluation, by an individual appointed to the faculty, based on an examination, a substantive research or analysis paper(s), or student performance. (F.M., April 12, 2002.)

4.4.2.2 Cocurricular Academic Credit on a “satisfactory/unsatisfactory” basis may be awarded to students participating in cocurricular activities that comply with plans approved by the faculty prior to the commencement of the activity for which credit is awarded. In determining whether to approve plans pursuant to which credit will be awarded for cocurricular activities, the faculty shall consider: (1) the educational value of the activity; (2) the extent and type of supervision and the director of the activity; (3) the extent and manner of periodic evaluation and review of the performance of students participating in the activity; and (4) the amount of time required to earn the credit. (F.M., April 3, 1970; F.M., February 25, 1971; F.M., May 8, 1972.)

4.4.2.2.1 No more than six cocurricular credit hours may be applied toward the minimum credit hours required for graduation as provided in section 4.1.1, and of those six curricular credit hours no more than four may be from work on a journal. (F.M., April 29, 2009; F.M., May 1, 2013.)

4.4.2.2.2 No more than two cocurricular credit hours per semester may be applied to the minimum semester-hour requirement as provided in section 4.5.

4.4.2.3 Determination of whether an elective course satisfies the requirements for curricular or cocurricular academic credit will be made by the faculty. (F.M., April 12, 2002.)

- 4.4.3 Directed-Reading Programs. A student may not enroll in more than one directed-reading program per semester. Only a member of the regular faculty may teach a directed-reading program, unless the appropriate associate dean approves a student's request to permit another faculty member to teach a directed-reading program. Directed-reading programs carry one or two semester hours of curricular credit, at the discretion of the member of the faculty offering the program. (A.R., August 30, 1972.) No more than six curricular credit hours from directed-reading programs may be applied toward the minimum credit hours required for graduation as provided in section 4.1.1.

(F.M., April 25, 2012; F.M., May 1, 2013.)

#### 4.4.4 Graduate School Courses

- 4.4.4.1 A student in the Law School may receive curricular academic credit for courses taken in the Graduate School as follows:

- 4.4.4.1.1 Up to three hours of curricular academic credit may count toward the minimum hour requirements in any semester after the first year. (F.M., January 7, 1977; April 12, 2002.)
- 4.4.4.1.2 Up to three courses, totaling up to nine semester hours of curricular academic credit, may be credited toward the J.D. degree. (F.M., April 12, 2002.)
- 4.4.4.1.3 The determination of what constitutes a graduate-level course for purposes of this rule rests within the dean's discretion. (A.R., November 22, 1971; F.M., January 7, 1977.)

- 4.4.4.2 A full-time student enrolled in the Law School shall pay no additional tuition for graduate school courses.

- 4.4.4.3 In accord with University and Graduate School regulations, a law student seeking a degree in the Graduate School (that is, a degree other than the J.D.) must apply for admission to the Graduate

School and be accepted by the appropriate department. (U.A.C., sec. 3.3.)

4.4.4.4 A student in the Law School may not enroll for credit in any undergraduate course unless the appropriate associate dean approves such enrollment, which approval shall only be granted if the undergraduate course at issue is law-related and the workload for the participating law student has been enhanced to reflect a graduate course level of work. (F.M., May 1, 2013.)

4.4.5 Externship Courses. The faculty may approve for curricular academic credit an externship course fulfilling the following conditions:

4.4.5.1 Content and supervision must comply with the student practice rules of the jurisdiction in which the work is done.

4.4.5.2 A member of the regular faculty must accept full responsibility for the course. (F.M., April 1, 2009; F.M., December 7, 2011.)

4.4.5.3 The course must satisfy the applicable A.B.A. Standard(s). (F.M., April 29, 2009; F.M., December 7, 2011.)

4.4.5.4 No student may earn more than ten hours of curricular academic credit for field work in externship courses. Such credit is without prejudice to a student's ability to earn cocurricular credit under the provisions of the Hoynes Code. (F.M., April 12, 2002; F.M., December 7, 2011.)

4.4.5.5 A student may not receive compensation for work performed as part of an externship course. (A.B.A. Standard 305, Interpretation 305-3; F.M., February 14, 1992; November 16, 1992; F.M., December 7, 2011.)

4.4.5.6 A student must successfully complete one full academic year of study prior to participation in an externship course. (A.B.A. Standard 305(e)(6); F.M., December 7, 2011.)

4.4.5.7 A student may not enroll in more than one externship course during a single semester. This prohibition does not apply to Summer Externships described in section 4.4.6 to the extent a student is considered enrolled in such an externship during the

semester immediately following the summer during which such externship actually occurs. (F.M., May 1, 2013.)

(F.M., December 7, 2011.)

4.4.6 Summer Externships. One unit of cocurricular academic credit may be awarded for student volunteer legal work of six weeks or more undertaken during the summer months in any court, governmental agency, nonprofit organization, public law office or in-house corporate counsel office. The work must be conducted under faculty supervision, conform to the approved standards of the faculty, and have the advance approval of the associate dean for academic affairs. This one unit of cocurricular credit may count toward graduation requirements as one of the six maximum allowable cocurricular credits, but cannot count toward the minimum hours required during any semester for residency. The credit will be reflected on a student's transcript. (F.M., March 25, 1991; April 12, 2002; A.R., August 1, 2004; F.M., April 29, 2009; F.M., December 7, 2011; F.M., April 10, 2013.)

4.5 RESIDENCY. Each student shall be required to take at least 14 hours in each semester in order to qualify for status as a full-time student. No student will be permitted to enroll in more than 18 hours in a single semester. (F.M., March 3, 1977; F.M., April 21, 2010; F.M., March 23, 2011; F.M., April 25, 2012; F.M., May 1, 2013.)

4.5.1 Credit Hours. Students who earn credits in the Notre Dame London Summer Programme may, in subsequent semesters, reduce their total semester hours by the number of London summer credits earned, provided that students take at least 12 credit hours each semester. (F.M., April 25, 2012.)

4.5.2 Semesters

4.5.2.1 The required six semesters in residence must be pursued on a Notre Dame campus, except in the case of students who transfer from another law school, in which case four semesters must be pursued on a Notre Dame campus. With the prior approval of the appropriate associate dean, one of the required semesters in residence may be pursued at a foreign law school with which Notre Dame Law School has established an exchange program, rather than on a Notre Dame campus. Regardless of whether

one of the required semesters is pursued at a foreign law school, at least four of the required semesters in residence must be pursued on Notre Dame's campus in Notre Dame, Indiana, except in the case of students who transfer from another law school, in which case at least three semesters must be pursued on Notre Dame's campus in Notre Dame, Indiana. (F.M., March 23, 2011; F.M., May 1, 2013.)

4.5.2.2 The dean may waive the Notre Dame residency requirement in section 4.5.2.1, but only for extraordinarily compelling reasons. (F.M., September 18, 1995.)

#### 4.6 GRADES REQUIRED FOR GRADUATION

4.6.1 All students must achieve a minimum cumulative GPA of 2.000.

4.6.2 The dean may waive the requirement of a minimum cumulative GPA of 2.000 if:

4.6.2.1 the student has achieved six semesters of good standing; or

4.6.2.2 the student has achieved a minimum semester GPA of 2.000 in each of five semesters.

4.6.3 A student who fails to meet these eligibility criteria may petition the dean to continue for one additional semester in order to meet the minimum standards for graduation. Approval will be at the dean's discretion. (F.M., November 23, 1981.)

#### 4.7 JOINT J.D./M.B.A. PROGRAM

4.7.1 A student in the joint J.D./M.B.A. Program will be required to complete successfully 75 hours of Law School courses and 45 hours of M.B.A. courses to receive the respective degrees. The Law School will accept 15 credit hours of M.B.A. courses toward completion of the J.D. degree. Concurrently, the Mendoza College of Business will accept 15 credit hours of law courses toward the M.B.A. degree requirements. (ABA standard 305, interpretation 305-1; F.M., April 29, 2009.)

4.7.2 Each student enrolled in the joint J.D./M.B.A. Program shall consult with the assistant dean for academic affairs in planning a curriculum.

(A.R., January 9, 1979; A.R., August 1, 2004.)

4.8 LL.M. PROGRAM IN LONDON (see Article IX)

4.9 SPECIAL STUDENTS. While regular J.D. degree-seeking students are required to comply with the other provisions of this article, a student with a particular need or interest may be authorized to enroll for selected courses as a special student in a nondegree status. (ABA standard 508; A.R., July 10, 1984.)

## ARTICLE V

### 5 ENROLLMENT AND WITHDRAWAL

#### 5.1 ENROLLMENT

5.1.1 All students must enroll on the appointed day each semester. A fee will be imposed for late enrollment. (U.A.C., sec. 4.1; A.R., November 15, 1987; A.R. August 1, 2004.)

5.1.2 A student's failure to enroll on time may result in the loss of the student's seat in a closed class to a student who has enrolled on time. (A.R., November 15, 1987; A.R. August 1, 2004.)

5.1.3 A student who fails to enroll before the end of the first week of classes is considered not to be a Notre Dame law student. If such person desires to continue at the school, an application for readmission in accordance with Article VIII is required. (A.R., November 15, 1987; A.R. August 1, 2004.)

5.2 DROP-ADD. Any course may be dropped or added routinely during the first five class days of the semester.

5.3 COURSE WITHDRAWALS. After the first five days of a semester, but during the first five full weeks of the semester, a student may withdraw from a class without penalty only with the permission of the dean, provided that:

5.3.1 the student's course load does not fall below 14 hours; or

5.3.2 the minimum-hour requirement is relaxed by the dean for good cause shown.

Upon withdrawal the student is to receive a grade of "W" (withdrawal). (F.M., August 12, 1970.)

5.3.3 After the first five full weeks of the semester, a student may withdraw from a course only with the permission of the dean, who shall determine the manner in which the drop shall be treated.

5.3.4 After the first five days of a semester, discontinuance of a course without the dean's permission will result in the grade of "F." (A.R. June 30, 1984.)



## ARTICLE VI

### 6 ATTENDANCE AND EXAMINATIONS

6.1 ATTENDANCE REQUIREMENTS. To be eligible to receive course credit, a student must attend classes and any required activities regularly and punctually. The student's performance must be satisfactory. (A.B.A. Standard 304(d); U.A.C., sec. 13.1; F.M., April 30, 1986.)

### 6.2 ATTENDANCE POLICY

6.2.1 Each professor teaching a course is required to adopt a policy concerning attendance and other course activities. Each professor shall communicate this policy to the class reasonably early in the semester in a manner calculated to inform the students of its provisions. Oral announcement at a regular class is sufficient notice. No penalty shall be assessed under this rule for events prior to communication of the policy. (U.A.C., sec. 13.2.)

6.2.2 The policy may provide for the raising or lowering of grades, or both, for attendance or performance in class or at required activities. It may provide for exclusion from further participation in the course or from the examination, and for failure in the course. Professors may excuse absences from their class or required activities. (F.M., April 30, 1986.)

6.2.3 The attendance policy applies to required Trial Advocacy exercises for students enrolled in the Trial Advocacy spectrum of courses; to required events and commitments in the clinical courses of the Law School for students enrolled therein; to the required Moot Court exercises for those enrolled in the Moot Court courses; and to cocurriculars undertaken for academic credit, even though these activities may occur at a time outside the regularly scheduled classroom period. (F.M., April 30, 1986.)

6.2.4 An absence certified in advance by the faculty advisor of the Legal Aid Program as necessary to the proper operation of the program will not be treated as an absence under the attendance policy. (F.M., January 24, 1978.)

### 6.3 EXAMINATIONS

6.3.1 When a written examination is given in a Law School course, law

students' examinations should be administered and graded anonymously. Numbers will be assigned to individual law students by the Law School administration. No indication of a law student's identity by name or class status shall be on the examination paper. (F.M., April 15, 1991; F.M., Feb. 23, 2011.)

6.3.2 The Law School Registrar is responsible for supervising the assignment of exam numbers. In London, the key will be kept by the London Director, who will supervise the number assignment system. Numbers may be assigned during the semester to accommodate special examination schedules. The Law School Registrar and the London Director are responsible for the security of the numbers to ensure strict anonymity until the grades are deposited officially with the University Registrar.

6.3.3 No examinations are to be scheduled on Sundays. (F.M., November 12, 1976.)

6.3.4 No examination or test may be given during the final five class days of the class portion of each semester, nor may examinations or tests be given during the study period following the end of the semester. This provision shall not apply to papers assigned at least two weeks prior to the end of the semester; neither shall it apply to take-home examinations if the examination is distributed during the study period or during the officially scheduled examination time. (F.M., February 8, 1988.)

6.4 **REQUIRED PAPERS.** It is the declared policy of the faculty that in courses requiring submission of a paper, the paper must be specially prepared by the student for that course. Incorporation of any material prepared by the student earlier shall be approved in advance by the professor. (F.M., October 11, 1971.)

6.5 **TRIAL ADVOCACY JURORS.** First-year students are required to serve, when summoned, as jurors in the Trial Advocacy Comprehensive and Trial Practice courses. Failure to respond to a summons renders the student ineligible to enroll in the Trial Advocacy Comprehensive and Trial Practice programs. (A.R., March 16, 1972.)

## ARTICLE VII

### 7 GRADING, ACADEMIC GOOD STANDING, HONORS, PROBATION AND DISMISSAL

7.1 GRADING. Grading in the Law School is governed by the Hoynes Code. (A.C.M., spring 1987.)

7.1.1 Grades and Numerical Values. Grades are not calculated on a numerical basis, but are assigned values for calculating grade-point average, according to the following grading system, effective fall semester 1987. (University Registrar, June 26, 1987.)

Letter Grade .....	Value	Letter Grade .....	Value
A .....	4.000	C+ .....	2.333
A- .....	3.667	C .....	2.000
B+ .....	3.333	C- .....	1.667
B .....	3.000	D .....	1.000
B- .....	2.667	F .....	0.000

(F.M., April 9, 1986.)

7.1.2 Interpretation of Grades. Within the grading system described in section 7.1.1, "A" is superior, "B" is good, "C" is satisfactory, "D" is unsatisfactory with credit, "F" is failure. (F.M., February 14, 1992.)

7.1.3 Other Grades

7.1.3.1 Incomplete. The grade of incomplete ("I") is a temporary grade indicating failure to complete work in a course. The course work must be completed and the incomplete changed prior to the end of the next semester's final examination period; otherwise the incomplete will be changed to an "F." (F.M., May 14, 1981.)

7.1.3.2 Satisfactory/Unsatisfactory. The Law School will use a grade of satisfactory or unsatisfactory for selected courses. (F.M., May 7, 1976.) (See also section 7.1.5.)

7.1.3.3 Pass/Fail. The pass/fail option is limited to two elective courses, and only with the permission of the professor teaching the particular course. These two courses may not be taken in the

same semester. If a professor grants permission to elect the pass/fail option for a particular course, that option must be made available to all students in that course. To elect this option when it is available, a student must inform the Law School Registrar of this election by no later than the end of the add-drop period for the semester in which the relevant course is offered and that election is irrevocable as of the end of that add-drop period. The professor will not be informed that the student elected the pass/fail option and so will report letter grades for all students in the course as provided in section 7.1.5. The final letter grades of “A” through “D” will then be interpreted as a pass for students who elected the pass/fail option for that course. (F.M., March 3, 1977; F.M., May 1, 2013.)

7.1.4 Audits. Law students may audit courses in the Law School without administrative permission. Auditors must obtain the permission of the instructor in the course being audited. No record of audited courses will be kept by the Law School, and audited courses will not appear on transcripts. (F.M., March 20, 1973.)

#### 7.1.5 Reporting and Finality of Grades

7.1.5.1 Faculty members are expected to report all grades within two weeks of the last day of the examination period. This duty normally takes precedence over all other University duties. In the spring semester, an earlier deadline will be required for the grades of graduating students. (A.R., July 13, 1971.)

7.1.5.2 Each faculty member, upon finishing grading, will submit a grade report to the Law School Registrar or to the London director. All grade reports must comply with the grading policy adopted by a majority of the faculty. No grades shall be posted publicly. The Law School will make available to students the grading policy governing course means and distributions. (F.M., February 4, 2002; F.M., Jan. 19, 2011; F.M., Feb. 23, 2011.)

7.1.5.3 All grades will be final when filed with the Law School Registrar or with the London director, and may not be changed thereafter except for clerical or administrative error. The review of a grade for clerical or administrative error shall be made by the faculty member who assigned the grade. Except as stated in

section 7.1.5.4 there shall be no right of appeal from the faculty member's decision on a grade. (F.M., April 15, 1991.)

7.1.5.4 In the event that a student believes that the grade received in a course resulted in whole or in part from a faculty member's lack of personal integrity or professional competence, the matter shall be called to the attention of the dean or an associate dean or an assistant dean. Should the dean determine that a claim of lack of integrity or competence is not frivolous, the dean shall refer the matter to the entire voting faculty. The faculty as a whole then shall determine whether a lack of personal integrity or professional competence influenced the grade. If the faculty so finds, it shall make appropriate provision for review of the grade. (F.M., April 15, 1991.)

#### 7.1.6 Grade Reports

7.1.6.1 Only the University will provide individual grade reports to students, via IrishLink. The Law School will not make grade reports directly available to the students, except in cases of probation or dismissal for academic deficiency.

7.1.6.2 An official grade-point average will be computed for each student's record. (F.M., March 23, 1981.)

7.1.6.3 The Law School will not publish an individual's grade-point average or rank in class. (F.M., May 14, 1981.)

7.1.6.4 The Law School does not rank students, either internally or externally, except that the dean may notify students who are in the top 10 percent of their class as of the end of each academic year of this status. (F.M., March 24, 1969; F.M., September 21, 2011.)

7.1.6.5 The Law School will publish the mean grade-point average for each class on a semester basis and on a cumulative basis. (F.M., November 20, 1991.)

## 7.2 GOOD STANDING

7.2.1 Determination of academic good standing will be based on grade-point average. (F.M., May 14, 1981.)

7.2.1.1 In calculations for standing, honor roll, and graduation honors, only Notre Dame Law School grades and credit hours are considered. Transfer credits from other law schools and course credits and grades from other colleges at Notre Dame do not enter into the calculation.

7.2.1.2 Grades of satisfactory ("S") and pass ("P") are not included in the computation of grade-point average; however, grades of unsatisfactory ("U") and fail ("F") are included. (F.M., November 21, 1988.)

7.2.1.3 For determining standing, the grade of incomplete ("I") does not enter into the calculation. If a student is on probation during the term in which an "I" is entered, a later makeup of the "I" cannot be used retroactively to eliminate the probation. Further, the grade in the made-up course will not enter into the calculation for the following semester. If a second semester of probation follows a probation semester in which an "I" was entered and the "I" is later made up, the dean in the exercise of discretion may consider whether the "I" should be treated as "NR" (not reported) and in this case may find that the first semester of probation has been eliminated. (A.R., February 1984.)

7.2.2 To maintain academic good standing:

7.2.2.1 First-year students must achieve a minimum GPA of 1.500 for the first semester and 1.750 for the second semester.

7.2.2.2 Second- and third-year students must achieve a minimum semester GPA of 2.000. (F.M., November 23, 1981.)

7.2.3 Failure to maintain academic good standing will result in academic probation or academic dismissal, as follows:

7.2.3.1 Probation will result:

- 7.2.3.1.1 from failing to maintain academic good standing (as defined in sections 7.2.2.1 and 7.2.2.2) but maintaining better than dismissal semester GPA (as defined in section 7.2.3.2); or
- 7.2.3.1.2 in a restricted academic program or remedial work, at the discretion of the dean.

7.2.3.2 Dismissal will result from:

- 7.2.3.2.1 two consecutive semesters of probation.
- 7.2.3.2.2 three nonconsecutive semesters of probation.
- 7.2.3.2.3 failure to achieve a minimum semester average of:
  - (i) ) 1.000 for the first semester of the first year.
  - (ii) for the second semester of the first year.
  - (iii) for each semester of the second and third years.
- 7.2.3.2.4 grades of "F" in two or more courses totaling six or more semester hours in any one semester after the first semester of the first year. (F.M., November 23, 1981.)

7.2.3.3 A student may be dismissed for academic reasons at the end of the first semester. (F.M., May 14, 1981.)

7.2.3.4 A student dismissed for academic reasons at the end of the student's first semester will not be eligible for readmission until the first semester of the next academic year. (F.M., May 14, 1981.)

### 7.3 HONORS

7.3.1 Dean's Honor Roll. A Dean's Honor Roll for J.D. students, based on semester grade point average, will be published each semester. To be

eligible for the Dean's Honor Roll:

7.3.1.1 a student must carry a full semester course schedule (minimum 14 semester hours).

7.3.1.2 a student must achieve a semester GPA of at least 3.600. (F.M., November 23, 1981.)

7.3.1.3 a student must enroll in at least 10 semester hours of graded Law School courses. (A.R., January 24, 1994.)

(F.M., April 25, 2012.)

7.3.2 Graduation Honors. Graduation honors for J.D. and LL.M. candidates are based on grade-point average, which is computed by including all courses taken in the Law School. (F.M., May 14, 1981; A.R. May 23, 1995; F.M., April 21, 2010.)

7.3.2.1 *Cum laude*: cumulative GPA of at least 3.400.

7.3.2.2 *Magna cum laude*: cumulative GPA of at least 3.600.

7.3.2.3 *Summa cum laude*: cumulative GPA of at least 3.800. (F.M., November 23, 1981.)

7.3.3 For determining eligibility for graduation and also graduation honors in the case of students dismissed and readmitted, the grade-point average will be figured only on the basis of courses taken following readmission and those earlier courses for which degree credit is given. (A.R., September 1983.)

7.3.4 Graduation Honors for J.S.D. Candidates. J.S.D. candidates shall be awarded their degrees "With Distinction" if (a) in their coursework they have satisfied the minimum requirements for a degree *magna cum laude* or *summa cum laude* under Section 7.3.2 above, and (b) the Ad Hoc Committee on the J.S.D. Program, upon recommendation of the candidate's dissertation committee, concludes that the candidate's dissertation exemplifies scholarly achievement substantially higher than the standards required for satisfaction of the degree requirements for J.S.D. students at Notre Dame Law School. (F.M., April 21, 2010.)



## 7.4 COURSE FAILURES

- 7.4.1 A student who fails a required course must retake the course and obtain a passing grade, unless for good cause shown the faculty votes to relax that requirement in a particular case. (F.M., March 25, 1969.)
- 7.4.2 A failure in any required first-year course shall require retaking the course, although the professor shall have the discretion to waive the requirement if the student passes the second semester of the course. This waiver shall not change the student's record and shall not give any credit hours toward graduation.
- 7.4.3 A student who fails an elective course need not retake it; however, the student earns no credit for graduation from any failed elective course. (F.M., March 25, 1969.)
- 7.4.4 If a student fails a course, whether or not it is a required course, the student, if otherwise eligible to continue, may retake the course. The grade upon retaking the course shall be recorded along with the original grade in the course. If a student retakes a course, the professor teaching that course shall have the option of requiring that the retaking be by means of repeating the course, taking directed readings, or re-testing, or any combination of these options. Nothing herein shall be interpreted as affecting the rule that all required courses must be passed. (F.M., November 22, 1971.)
- 7.4.5 A retaken course shall be registered for by the proper name of the course and for its regularly assigned credit hours. (A.R., May 23, 1972.)
- 7.4.6 With the permission of the dean, a retaken course may be counted toward compliance with the minimum semester course load requirements under section 4.5. (A.R., June 30, 1984.)
- 7.4.7 Failure in a course taken on a "pass/fail" basis or in an ungraded course shall be computed in the grade-point average like failure in a graded course. (F.M., November 21, 1988.)

## 7.5 LONDON

- 7.5.1 No student is eligible to participate in the semester or full-year London Programme without having successfully completed all first-year courses.

(F.M., September 29, 1970.)

7.5.2 The dean may waive one first-semester failure for purposes of eligibility for the semester or full-year London Programme. (F.M., March 20, 1972.)

7.5.3 The London Summer Programme, while using the same grading system, shall not be subject to the rules for dismissal, probation or Dean's Honor Roll. (A.R., February 8, 1983.)

(F.M., April 25, 2012.)

## ARTICLE VIII

### 8 READMISSION AND TRANSFER ADMISSION

#### 8.1 STANDARDS AND PROCEDURE FOR READMISSION

8.1.1 Readmission to the Law School after dismissal for academic failure will be allowed only when that failure was caused by unavoidable and nonrecurrent circumstances of an extraordinary nature. (See A.B.A. standard 505.)

8.1.2 The standards for readmission after dismissal for academic deficiency provide that no student may recommence studies until one full academic year after the end of the semester in which the student was dismissed. (F.M., May 10, 1977.) A student dismissed for academic reasons at the end of the first semester will not be eligible for readmission until the first semester of the next academic year. (F.M., May 14, 1981.)

The dean has the authority to waive section 8.1.2 of the Hoynes Code. (F.M., April 5, 1979.)

8.1.3 The dean will decide all questions of readmission, guided by the following policy of allowing readmission only if:

8.1.3.1 the circumstances set out in section 8.1.1 are applicable, and

8.1.3.2 if the readmission is after dismissal for academic reasons, a faculty member agrees to act as the sponsor for the readmission candidate.

8.1.3.2.1 Being a sponsor of a readmission candidate means that the faculty member agrees to meet with the candidate on a weekly basis for the entire academic year following readmission. The weekly sessions will be of sufficient length to review the readmitted student's work and current status.

8.1.3.2.2 It ordinarily will be the responsibility of a readmission candidate to obtain a faculty sponsor,

although the administration may, if requested, offer assistance in this regard. It is the candidate's responsibility to work out a program with such a sponsor.

8.1.3.2.3 The faculty should feel no obligation to volunteer as a sponsor. Faculty should act as readmission sponsors only where they have strong feelings about the chances of the candidate performing well upon readmission. No faculty member will be permitted to act as a sponsor for more than one student per year. (A.R., April 26, 1982; A.R., July 1, 2013.)

8.1.4 A readmitted student ordinarily will have to repeat the entire semester for which the student was dismissed. A student who fails in the first year, whether in the first or second semester, ordinarily will be expected to repeat the entire first year. In any event, a readmitted student will be given no credit hours for courses with a grade of "D" or lower prior to readmission, and will receive no residency credit for the semester in which the failure occurred.

8.2 TRANSFER ADMISSION. Applicants seeking transfer from other law schools must make a written statement of previous attendance in law school. Transfers usually will be accepted only in accord with standards adopted by the American Bar Association and the Association of American Law Schools. Exceptions may be made in extraordinary cases. (A.B.A. Standards 506, 507; A.A.L.S. Exec. Comm. Reg., sec. 6-7.5; F.M., September 17, 1974.)

## ARTICLE IX

### 9 DEGREE REQUIREMENTS FOR THE LL.M. PROGRAM IN LONDON

9.1 ACCREDITATION. The LL.M. Program in London was approved by the Section on Legal Education of the American Bar Association on August 9, 1986. It was approved by the University of Notre Dame Academic Council on October 15, 1986.

#### 9.2 CREDIT HOURS

9.2.1 The minimum total credit hours required for the LL.M. degree is 24. Up to four credits of this total may be awarded for completion of a written work of substantial quality done under the supervision of a member of the Notre Dame law faculty. (A.R., January 11, 1988.)

9.2.2 The credits must be earned on the basis of the J.D. grading system (see Article VII). The “pass/fail” option (see section 7.1.3.3) and “satisfactory/ unsatisfactory” grading (see section 7.1.3.2) do not apply to LL.M. students; neither do the cocurricular activity credit provisions of section 4.4.2.2. Audits are permitted as stated in section 7.1.4. (A.R., January 11, 1988.)

9.3 GRADE-POINT AVERAGE. To graduate, an LL.M. student must achieve a minimum cumulative GPA of 2.000. (A.R., January 11, 1988.)

#### 9.4 SEMESTER AND COURSE REQUIREMENTS

9.4.1 The academic calendar in London consists of two semesters and a five-week summer term, each of which is followed by an examination period of approximately one week. (A.R., January 11, 1988; F.M., April 25, 2012.)

9.4.2 To qualify for the LL.M. degree, a student must engage in study for a minimum of two terms. A maximum of eight credits may be earned in the summer term. (A.R., January 11, 1988; F.M., April 25, 2012.)

9.4.3 All courses must be taken at the Notre Dame program in London, except that, with the special permission of the dean, some credits may be earned at the home campus. No credit may be earned by taking courses at another institution.

- 9.4.4 Because of the option to earn credits through a thesis (see section 9.2.1) the Directed-Readings Program described in section 4.4.3 does not apply to LL.M. students.
- 9.4.5 The London Internship Programme (see section 4.4.7) is for J.D. students only and is not available for LL.M. students. (A.R., January 11, 1988.)
- 9.4.6 No particular courses are required for the LL.M. degree, except that every student who does not have an American J.D. degree is required to take the course "Introduction to the American Legal System". Students with an American J.D. degree may not receive credit toward the LL.M. for courses that duplicate similar courses taken as part of the student's J.D. curriculum. For other students, the director shall determine whether a particular course duplicates previous work. (A.R., January 11, 1988.)
- 9.4.7 Any course may be dropped or added routinely during the first five class days of the term. During the first five full weeks of a term, a course may be dropped without penalty only with the director's permission; and under this circumstance, the student is to receive the grade of "W" (withdrawal). After the first five full weeks of a term, a course may be dropped only with the director's permission; and under this circumstance, the director shall determine the manner in which the drop shall be treated for grading purposes. Discontinuance of a course after the first five class days of a term without the director's permission will result in the grade of "F" (fail). (A.R., January 11, 1988.)

## 9.5 APPLICABILITY OF PRECEDING ARTICLES

- 9.5.1 The provisions of Article VI regarding Attendance, Honor Code, Examinations and Grading are applicable to the LL.M. program unless otherwise stated or unless clearly inapplicable (see, e.g., section 6.5). (A.R., January 11, 1988.)
- 9.5.2 The provisions of Article VII generally do not apply to the LL.M. program but sections 7.4.1, 7.4.3, 7.4.4 and 7.4.5 shall apply with respect to course failures and section 7.3.2 shall apply with respect to graduation honors. (A.R., January 11, 1988.)
- 9.5.3 The provisions of Article VIII with respect to Readmission and Transfer

Admission do not apply to the LL.M. program. (A.R., January 11, 1988.)

## ARTICLE X

### 10 APPENDICES

#### Appendix A. The Notre Dame Law School Honor Code



## APPENDIX A

### THE NOTRE DAME LAW SCHOOL HONOR CODE

#### 1 STATEMENT OF PURPOSE

This Honor Code is based upon the assumptions that students at the Notre Dame Law School do not lie, cheat, or steal; that they aspire to enter an honored profession; and that their character and conduct while attending this Law School at all times will reflect favorably upon their future profession, this school, and themselves.

#### 2 AFFIRMATIVE DUTIES AND PROHIBITED CONDUCT

2.1 All law students and law faculty have the duty to report promptly either to the Dean, to the member of the faculty whom the Dean has designated to oversee matters regarding the Honor Code and to preside at any hearings involving alleged violations (the “Dean’s Delegate”), to the Student Bar Association (“S.B.A.”) President, or to the student who has been elected by the Honor Council to lead its activities (the “Chair”) all circumstances that they believe to constitute a clear violation of the Honor Code. Knowing breach of this duty shall be a violation of the Honor Code.

2.2 It is the duty of every law student and law faculty member to give testimony or other evidence relevant to any alleged violation of the Honor Code if requested by a student facing a disciplinary charge, the person appointed by the S.B.A. President to present evidence in support of the charge (the “Student Prosecutor”), or the members of the Honor Council who have been chosen to hear the case (the “Hearing Panel”). A person may refuse to testify to avoid incrimination in a violation of the Honor Code or of a public penal law. The Dean’s Delegate or the Hearing Panel may excuse anyone from testifying for just cause.

2.3 It shall be a violation of the Honor Code to engage in any of the following:

2.3.1 To use materials or to consult with any other person:

2.3.1.1 in an exam, except as expressly authorized by the instructor; or

2.3.1.2 in research, class preparation, or other assignment, in any manner expressly forbidden by an instructor.

Whenever notice is an issue under the provisions in section 2.3.1, constructive notice applies after the end of the add-drop period to any prohibition that (a) in the case of an exam, appears in exam instructions that the instructor has distributed via e-mail to the entire class no less than 24 hours before the administration of the exam, or (b) appears in a syllabus which the instructor has posted on a web site for the course or otherwise uniformly distributed to the class before the end of the add-drop period.

2.3.2 To submit as one's own work the work of another.

2.3.3 To submit written work in satisfaction of a course requirement or for publication in a journal, if that work reflects, in whole or substantial part, work previously prepared for some other purpose, unless the instructor or, in the case of a journal, the editor has approved the use of the previously prepared work.

2.3.4 To knowingly make any material misrepresentation in connection with any Law School class, program, or activity, including, but not limited to, a clinical course, an externship, journals, moot courts, job searches, scholarship applications, and student competitions.

2.3.5 To knowingly misappropriate the notes, papers, books, computer, or other academic materials of another law student, a faculty member, the Law School, or the University.

2.4 The Dean retains jurisdiction over all matters not explicitly covered by this Honor Code. An instructor retains jurisdiction over grading, which stands separate from the Honor Code process.

### 3 ADMINISTRATION OF THE HONOR CODE

3.1 There shall be an Honor Council composed of three members elected from each class. The members shall be chosen as follows:

3.1.1 Election shall be in accord with procedures established from time-to-time by the S.B.A.

3.1.2 Each ballot shall contain the following statement only: If officially charged with a violation of the Notre Dame Law School Honor Code, I would choose the following members of my class to (1) hear the

evidence for and against me; (2) render a fair and impartial decision concerning my guilt or innocence; and (3) determine sanction.

3.1.3 Each ballot shall contain space for students to vote for three candidates.

3.1.4 The three law students in each class receiving the highest number of votes shall be Honor Council representatives.

### 3.2 London Academic-Year Programme

3.2.1 Students enrolled in the London Programme shall elect three students from among the students enrolled in the year-round program to perform the functions of the Honor Council for any matter that arises during the London academic year and shall elect a chair (the “London Chair”) from among its members.

3.2.2 Students enrolled in the London Programme also shall elect an investigator (the “Student Investigator”). For any matter that arises during the London academic year, this student shall perform the functions assigned by this Honor Code to the Student Prosecutor.

3.2.3 For any matter arising during the London academic year, the Director of the London Programme shall perform the functions assigned by this Honor Code to the Dean’s Delegate.

3.3 The Honor Council shall elect its Chair from among its members.

### 3.4 Term

The term of the Honor Council begins the day after graduation in the spring; the term ends on graduation day the following spring. The outgoing Honor Council shall have continuing jurisdiction over any matter that occurred before the end of its term.

### 3.5 Prehearing Procedures

3.5.1 Any allegation of a violation reported to the Dean, Dean’s Delegate, or S.B.A. President shall be referred to the Chair, who will pass on the details of the allegation to the Student Prosecutor.

- 3.5.2 Subsequent to the S.B.A. elections, the new S.B.A. President shall appoint the Student Prosecutor from the student body to investigate and prosecute any allegations of Honor Code violations made until a successor has been appointed. This student shall not currently hold an elected position on the S.B.A. board. The Student Prosecutor shall investigate each allegation in any manner he or she sees fit, but must notify, in writing, the accused student. If an alleged violation could affect a course grade, the Student Prosecutor also shall notify the instructor of the nature of the allegation so that the instructor can provide information about any relevant course policies or exam instructions. To the extent possible, the Student Prosecutor shall not reveal the identity of the accused to the instructor.
- 3.5.3 If the Student Prosecutor determines that an allegation is without merit, the matter is closed. In writing, the Student Prosecutor shall so notify the accused student, the individual who made the allegation, the Chair, and any instructor previously notified. If the alleged conduct implicates a course policy, the written notice shall set forth any relevant admission or facts.
- 3.5.4 If the Student Prosecutor determines that an allegation has merit, he or she shall deliver to the accused, the Dean's Delegate, and the Chair a written notice of each specific section of the Honor Code allegedly violated and a written statement of each specific act constituting any alleged violation.
- 3.5.5 If, upon notification pursuant to rule 3.5.4, the accused student informs the Student Prosecutor that he or she wishes to forgo a hearing and to make an admission of guilt, the Student Prosecutor will promptly convene a conference to facilitate an expedited resolution of any charge (an "Admissions Conference"). The Admissions Conference must be attended by the accused student, the Dean's Delegate, the Chair, and, if an alleged violation involves a course, the course instructor. The Admissions Conference can resolve a charge only if all participants of the conference agree to a resolution. If there is not unanimous agreement on a resolution of any charge, that charge will proceed to a hearing. Individual students may only utilize an Admissions Conference once.
- 3.5.6 After receiving notice from the Student Prosecutor, and after either (1) the accused student has chosen to forgo an Admissions Conference, or

(2) an Admissions Conference has not produced a unanimous agreement, the Chair shall:

3.5.6.1 Appoint three students from the Honor Council and ask the Dean's Delegate to appoint three faculty members. These six people comprise the Honor Council Board (the "Board") for the particular hearing. Members of the Board shall disqualify themselves from a hearing if, in their opinion, they are unable to make an impartial decision;

3.5.6.2 Meet with the accused, the student (if any) whom the accused has selected to gather and present evidence in support of the accused (the "Student Defender"), and the Student Prosecutor to compile a list of the names of all persons having information pertinent to any charge; and

3.5.6.3 Set a date, time and place for the hearing. The hearing must occur within two weeks of the date the Chair receives notice of a charge from the Student Prosecutor. At least 72 hours before the time set, the Chair shall give written notice of the schedule for the hearing to the accused, the Student Defender, the Student Prosecutor, and members of the Board. The Chair shall also inform the members of the Board about the nature of any charge.

### 3.6 Hearing Procedures

3.6.1 At least 48 hours before the time set for the hearing, the accused student shall select two students and two faculty members from the Board to sit in deliberation of any charge. If the accused student does not timely notify the Chair, the Chair shall randomly select two students and two faculty members to so sit. These four people shall constitute the Hearing Panel.

3.6.2 During the course of the proceedings, the accused shall have the following rights:

3.6.2.1 To select the Student Defender;

3.6.2.2 To attend and participate in any hearing, provided, however, if the accused refuses to appear or fails to appear without just cause,

the Hearing Panel may proceed to hear and determine the matter;

3.6.2.3 To testify or to decline to testify, but if the accused declines to testify, that fact shall not be considered as evidence in support of any charge;

3.6.2.4 To confront and cross-examine witnesses; and

3.6.2.5 To present evidence and witnesses.

3.6.3 At least 48 hours before the hearing, the Chair shall issue a written summons to all persons identified under section 3.5.6.2 as potential witnesses. After receiving a summons, failure to appear as a witness without just cause (as determined by the Dean's Delegate) shall be a violation of this Honor Code, as defined in section 2.2. For good cause, a witness may appear electronically as long as the Hearing Panel can observe the witness's demeanor.

3.6.4 All Hearing Panel members must be present at the hearing. The Chair shall have the power to appoint an alternate if a Panel member cannot attend for just cause. The Chair shall arrange and monitor an audio record of the hearing. The recording shall remain the property of the Law School. The accused student may request a copy of the audio record.

3.6.5 The Dean's Delegate shall preside at the hearing, which should avoid unnecessary formality, but facilitate an orderly and respectful atmosphere. Hearing Panel members may question any witness. Subject to time limits that the Dean's Delegate may establish, the hearing may include opening statements. The hearing should continue in the following order:

3.6.5.1 Evidence in support of any charge;

3.6.5.2 Evidence in rebuttal;

3.6.5.3 Arguments;

3.6.5.4 Factual findings and decision on whether the accused student has committed any violation charged. If the alleged conduct

implicates a course policy or exam instructions, the Hearing Panel shall set forth in writing its factual findings, which can incorporate any relevant admission by the accused student. Even if the accused student confesses that a violation of the Honor Code occurred, only the Hearing Panel can reach a final determination of guilt;

3.6.5.5 If the accused student is found not guilty, the matter is closed, and in writing the Chair shall notify the accused student, the individual who made the allegation, and any instructor, including any factual findings by the Hearing Panel related to course policies or exam instructions;

3.6.5.6 If the accused student is found guilty, the Hearing Panel shall set forth its findings of fact and conclusions relevant to course policies or exam instructions and hear evidence in mitigation and aggravation;

3.6.5.7 Arguments on sanction;

3.6.5.8 Decision on sanction, which cannot reduce a grade, but may include one or more of the following non-exclusive options, all of which should be administered in a way designed to preserve confidentiality to the utmost extent possible:

3.6.5.8.1 Oral admonition – an oral statement from the Hearing Panel that the student has violated the Honor Code;

3.6.5.8.2 Written warning – a written statement from the Hearing Panel that the student has violated the Honor Code;

3.6.5.8.3 Academic Reprimand – a written statement from the Hearing Panel that the student has violated the Honor Code, with the statement becoming part of the student's permanent record at the Law School;

3.6.5.8.4 Probation – exclusion from participating in the activities of the Law School or University;

3.6.5.8.5 Restitution – a requirement that the student reimburse for injury or injuries caused;

3.6.5.8.6 Fine – a monetary fine, which shall become an obligation to the Law School that must be satisfied in order to receive a degree;

3.6.5.8.7 Work sanctions – service to the Law School community, which must be completed within the time set by the Hearing Panel;

3.6.5.8.8 Suspension – exclusion from classes for a semester or more; or

3.6.5.8.9 Expulsion – permanent exclusion from the Law School, though the sanction may include provision for readmission under specified circumstances.

3.6.5.9 The Chair shall provide written notice to the accused and to the Dean of the outcome. If a violation involves a course, the written notice shall contain the Hearing Panel's findings of fact and conclusions relevant to any course policies or grading.

3.6.6 All decisions of the Hearing Panel shall be made in private deliberations. Any attribution of guilt requires a unanimous vote based upon a standard of reasonable doubt. Decisions on whether the accused student has committed any violation charged shall be based only upon evidence received at the hearing. Sanctioning decisions must be unanimous and may consider sanctions in previous cases.

3.6.7 The Dean shall review the decision of the Hearing Panel. Absent unusual circumstances, the Dean will act within 14 days to approve or modify the decision.

3.6.8 The Dean shall give written notice of the final result to the accused student, the Student Prosecutor, the Hearing Panel, the Chair, and any instructor of any involved course. The notice shall include any findings of fact and conclusions relevant to course policies or exam instructions. If the individual who reported the incident did not receive a copy of the Dean's notice, the Chair shall inform that individual, in writing, of the final result.



#### 4 PUBLIC NOTICE OF PROCEEDINGS AND REPORTING

- 4.1 Except as otherwise required by this Honor Code, court order, law, or Law School administration, all proceedings under the Honor Code shall be confidential.
- 4.2 Once an accusation is resolved finally, and without disclosing any names, the Chair shall distribute via e-mail to students and faculty and post in appropriate public places in the law building a notice containing only the following information:
  - 4.2.1 the specific section of the Honor Code alleged to have been violated;
  - 4.2.2 the decision of the Student Prosecutor, Admissions Conference, or Hearing Panel; and
  - 4.2.3 the final disposition.
- 4.3 Without disclosing any names and preferably within thirty days after the end of each semester, the Chair shall prepare a report for the faculty and S.B.A. President that states: (a) the number of alleged violations reported during the semester; (b) the number of violations that were resolved in an Admissions Conference during the semester; (c) the number of alleged violations that proceeded to hearing during the semester; and (d) the number of violations that resulted in sanctions that the Dean affirmed. For each matter where a violation was resolved through an Admissions Conference or where the Dean affirmed a Hearing Panel determination that a violation occurred, the Chair shall describe the provision involved and summarize the underlying facts.

#### 5 RATIFICATION AND AMENDMENT

- 5.1 This Honor Code shall be in force after approval by the students and faculty of the Law School. Approval by the students shall be in accord with then-current voting procedures of the S.B.A. Approval by the faculty shall be in accord with then-current voting procedures of the faculty.
- 5.2 Amendments to this Honor Code may be proposed by the Honor Council. Amendments shall be approved in the manner prescribed in section 5.1.
- 5.3 Any amendment to this Honor Code shall not become effective until the academic year following approval of the amendment.